

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-1048-BO-KS

CHARLES LESTER AMMONS and
JUVENILE Z.A.

Plaintiffs,

v.

JODIE MCCALL, *et al.*,

Defendants.

ORDER

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Kimberly Swank. [DE 8]. Plaintiffs have failed to respond to the memorandum and recommendation (M&R).

On August 3, 2023, Magistrate Judge Swank recommended that plaintiffs' particularized complaint [DE 7] be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.


"The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, "a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*, 416 F.3d at 315 (quotation omitted).

Here, despite being warned as to the consequences, plaintiffs made no objection to the M&R. Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and adopts the Magistrate Judge's recommendation.

CONCLUSION

For the foregoing reasons, the M&R is ADOPTED. Plaintiff's complaint [DE 7] is hereby DISMISSED and the clerk is DIRECTED to close this case.

SO ORDERED, this 26 day of September 2023.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE